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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xiaoliang WANG *et al.*

Int'l Application No.: PCT/CN03/00475

Application No. 10/518,647

Art Unit: TO BE ASSIGNED

Filed: December 20, 2004

Examiner: TO BE ASSIGNED

For: *THE USE OF  
BENZISOSELENAZOLONE  
COMPOUNDS AGAINST ISCHEMIC  
MYOCARDIAL INJURY*

Atty Docket: 005149.00004

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. § 371 In The United States Designated/Elected Office (DO/EO/US) dated May 20, 2005, Applicants submit herewith the following documents to complete the requirements for acceptance under 35 USC § 371:

1. Transmittal Letter Form;
2. Executed Declaration for Patent Application;
3. Executed Assignment with Recordation cover sheet;
4. Copy of the Notification of Missing Requirements

Serial No.: 10/518,647

Response to Missing Requirements  
Under 35 U.S.C. 371 In The United States  
Designated/Elected Office (DO/EO/US)

The Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 in the amount of \$170.00, as follows:

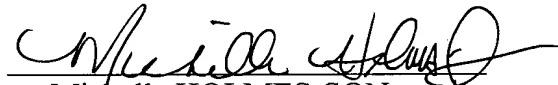
\$130.00 Late declaration surcharge

\$ 40.00 Recordation of Assignment.

It is not believed that any additional fees are required. However, in the event that additional fees are necessary, then such fees are authorized to be charged to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:   
Michelle HOLMES-SON  
Registration No. 47,660

Date: July 1, 2005

Banner & Witcoff, Ltd.  
Customer No.: 22907

MHS/mhn

005149.00004

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
**10/518,647**

INTERNATIONAL APPLICATION NO.  
**PCT/CN03/00475**INTERNATIONAL FILING DATE  
**19 June 2003**PRIORITY DATE CLAIMED  
**19 June 2002****TITLE OF INVENTION****THE USE OF BENZISOSELENAZOLONE COMPOUNDS AGAINST ISCHEMIC MYOCARDIAL INJURY****APPLICANT(S) FOR DO/EO/US****Xiaoliang WANG et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

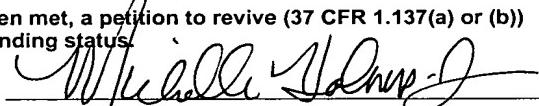
1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A power of attorney and/or change of address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22.  Express Mail Label No.
23.  Other items or information:

**Response to Notification of Missing Requirements and copy of the Notification of Missing Requirements**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |   |            |
|--|--------------|--|------------|---|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)<br><b>10/518,647</b>  |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/CN03/00475</b>                 |            | ATTORNEY'S DOCKET NUMBER<br><b>005149.00004</b> |            |
| 24. The following fees are submitted:  |              |  |            | Applicant use                                   | Office use |
| <input type="checkbox"/> a) Basic national fee ..... \$300.00  |              |  |            | \$  | \$0.00     |
| <input type="checkbox"/> b) Examination fee ..... \$200.00   |              |  |            | \$  | \$0.00     |
| <input type="checkbox"/> c) Search fee ..... \$500.00  |              |  |            | \$  | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b> \$1000.00   |              |  |            | \$  | \$0.00     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |  |            |   |            |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) |            | RATE  |            |
| - 100 =  | /50 =        |  |            | x \$250.00                                      | \$ \$0.00  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$  | \$130.00   |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |   |            |
| Total claims   | - 20 =       | 0  | x \$50.00  | \$  | \$0.00     |
| Independent claims   | - 3 =        | 0  | x \$200.00 | \$  | \$0.00     |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>   |              |  |            | + \$360.00                                      | \$ \$0.00  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |            | \$  | \$130.00   |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |            |   |            |
| <b>SUBTOTAL =</b> \$ \$130.00  |              |  |            |   |            |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            |   |            |
| <b>TOTAL NATIONAL FEE =</b> \$ \$130.00  |              |  |            |   |            |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$40.00   |              |  |            |   |            |
| <b>TOTAL FEES ENCLOSED =</b> \$ \$170.00   |              |  |            |   |            |
| Amount to be refunded: \$  |              |  |            |   |            |
| Amount to be charged: \$   |              |  |            |   |            |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-0733</u> in the amount of \$170.00 to cover the above fees. A duplicate copy of this sheet is _____<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0733</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. |              |  |            |   |            |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |  |            |   |            |
| SEND ALL CORRESPONDENCE TO:<br><b>BANNER &amp; WITCOFF, LTD.</b>   |              |  |            |   |            |
| Customer Number: 22907   |              |  |            |   |            |
| Dat: <u>July 1, 2005</u>   |              |  |            |   |            |
| <br>SIGNATURE<br><b>Michelle HOLMES-SON</b><br>NAME<br><u>47,660</u><br>REGISTRATION NUMBER  |              |  |            |   |            |



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/518,647                  | Xiaoliang Wang        | 005149.00004     |

22907  
 BANNER & WITCOFF  
 1001 G STREET N W  
 SUITE 1100  
 WASHINGTON, DC 20001

**RECEIVED**

MAY 25 2005

BANNER WITCOFF

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/CN03/00475                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 06/19/2003                    | 06/19/2002    |

**CONFIRMATION NO. 2681**  
**371 FORMALITIES LETTER**  
  
 \*OC000000016081191\*

Date Mailed: 05/20/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/20/2004
- English Translation of the IA filed on 12/20/2004
- Copy of the International Search Report filed on 12/20/2004
- Copy of IPE Report filed on 12/20/2004
- Information Disclosure Statements filed on 12/20/2004
- Request for Immediate Examination filed on 12/20/2004
- U.S. Basic National Fees filed on 12/20/2004
- Priority Documents filed on 12/20/2004

JW  
 Docketed 5/25/05  
 Attny LH417HJ  
 Case Ref 005149.00004  
 Action NTFMR Resp. Due  
 Due Date 7/20/05  
 Last Day 12/20/05  
 By [Signature]

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

**DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,  
WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/518,647                  | PCT/CN03/00475                | 005149.00004     |

FORM PCT/DO/EO/905 (371 Formalities Notice)